

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

CINDY ANNE O'CONNOR,)
)
v.) 2:09-0082
)
MICHAEL J. ASTRUE, Commissioner of Social)
Security.)

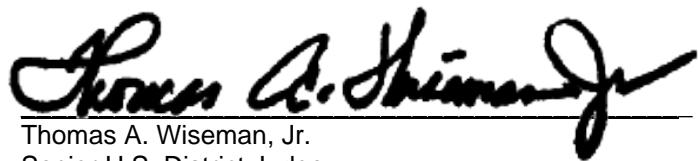
O R D E R

Before the Court is the Report and Recommendation of Magistrate Judge Bryant in which he recommends Plaintiff's Motion for Judgment on the Administrative Record, Document #19, be granted, and the decision of the Commissioner be reversed and remanded for further administrative proceedings. No objections have been filed.

The Court has read and considered the Report and finds the same to be correct in fact and law. The Report and Recommendation is adopted by this Court.

For the reasons set forth in the Report and Recommendation, the Motion for Judgment on the Administrative Record by the Plaintiff, Document #19, is **GRANTED**, and the decision of the Commissioner is **REVERSED AND REMANDED to include rehearing, and explicit attention to the evidentiary conflict between the June 2005 cervical MRI report which identified only noncompressive degenerative processes, and the other, preceding cervical MRI reports and treatment notes which speak of more significant pathology.¹**

It is so ORDERED.



Thomas A. Wiseman, Jr.
Senior U.S. District Judge

¹In addition, while not raised by plaintiff, it appears that the ALJ included in his RFC finding moderate difficulties in maintaining concentration, persistence and pace (Tr. 16), but did not include such limitations in his hypothetical to the vocational expert. (Tr. 811)